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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

29 JESSE RANDLE, on behalf of himself and others) Civil Action No. CV-09-00962-MEJ
30 similarly situated,)
31 Plaintiff,)
32 v.)
33 NETFLIX, INC., and WALMART.COM USA LLC,)
34 Defendants.)
35 _____)

36 **DECLARATION OF KATHRYN P.**
37 **HOEK IN SUPPORT OF**
38 **ADMINISTRATIVE MOTION TO**
39 **CONSIDER WHETHER CASES**
40 **SHOULD BE RELATED**

1 I, Kathryn P. Hoek, declare as follows:

2 1. I am a member in good standing of the California State Bar, an attorney at the law
3 firm of Susman Godfrey LLP, and counsel of record for Defendant Walmart.com USA LLC in
4 *Randle v. Netflix, Inc.*, Case No. CV-09-00962-MEJ ("Randle"). I make this declaration based on
5 my personal knowledge, and if called to testify to the contents, I could and would competently do
6 so.

7 2. Attached as Exhibit 1 is a chart of the cases currently on file in the United States
8 District Court for the Northern District of California, that have been deemed related to *Resnick v.*
9 *Walmart.com USA LLC*, Case No. CV-09-00200-PJH ("Resnick").

10 3. Attached as Exhibit 2 is a true and correct copy of the class action complaint in
11 *Randle*, filed on February 17, 2009 in the Superior Court of the State of California in and for the
12 County of Santa Clara, and removed on March 5, 2009 to the United States District Court for the
13 Northern District of California.

14 4. Attached as Exhibit 3 is a true and correct copy of the class action complaint in
15 *Resnick*, filed on January 2, 2009 in the United States District Court for the Northern District of
16 California.

17 5. Pursuant to Local Civil Rule 7-11, attached as Exhibit 4 is the stipulation reached
18 by the parties as to the relation of *Randle* and *Resnick*.

20 Dated: March 12, 2009

Respectfully submitted,

21 SUSMAN GODFREY L.L.P.

23 By: /s/ Kathryn P. Hoek

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*Attorneys for Defendant Walmart.com USA
LLC*